

The Hon. John H. Chun

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

DAVID JESUS MARTINEZ,

Defendant

NO. CR23-090-JHC

ORDER OF FORFEITURE

THIS MATTER comes before the Court on the United States' Motion for Order of Forfeiture (the "Motion") seeking to forfeit, to the United States, Defendant David Jesus Martinez's interest in a sum of money (also known as a forfeiture money judgment) in the amount of \$110,616, reflecting proceeds Defendant David Jesus Martinez obtained from committing Wire Fraud, in violation of 18 U.S.C. § 1343.

The Court, having reviewed the United States' Motion, as well as the other papers and pleadings filed in this matter, hereby FINDS entry of an Order of Forfeiture is appropriate because:

- The proceeds of Wire Fraud, in violation of 18 U.S.C. §§ 1343, are forfeitable pursuant to 18 U.S.C. § 981(a)(1)(C), by way of 28 U.S.C. 2461(c);

- 1 • In Defendant's Plea Agreement, Defendant agreed to forfeit, pursuant to 18 U.S.C.
- 2 § 981(a)(1)(C), by way of 28 U.S.C. 2461(c), the proceeds Defendant obtained
- 3 from committing Wire Fraud, to which Defendant pleaded guilty (Dkt. No. 114,
- 4 ¶ 13);
- 5 • Defendant admitted that Defendant obtained proceeds from committing this
- 6 offense in the amount of approximately \$110,616 (Dkt. No. 114 ¶ 13);
- 7 • The forfeiture of this sum of money is separate and distinct from the restitution
- 8 ordered in this case.
- 9 • The forfeiture of this sum of money is personal to Defendant Martinez and,
- 10 pursuant to Federal Rule of Criminal Procedure ("Fed. R. Crim. P.") 32.2(c)(1), no
- 11 third-party ancillary process is required before forfeiting it.
- 12

13 NOW, THEREFORE, THE COURT ORDERS:

- 14 1) Pursuant to 18 U.S.C. § 981(a)(1)(C), by way of 28 U.S.C. 2461(c)), and
- 15 Defendant's Plea Agreement, Defendant Martinez's interest in a sum of money in the
- 16 amount of \$110,616 is fully and finally forfeited, in its entirety, to the United States;
- 17 2) Pursuant to Fed. R. Crim. P. 32.2(b)(4)(A) – (B), this Order will become
- 18 final as to the Defendant Martinez at the time he is sentenced; it will be made part of the
- 19 sentence; and, it will be included in the judgment;
- 20 3) No right, title, or interest in the identified sum of money exists in any party
- 21 other than the United States;
- 22 4) Pursuant to Fed. R. Crim. P. 32.2(e), in order to satisfy this Order forfeiting
- 23 the sum of money, in whole or in part, the United States may move to amend this Order,
- 24 at any time, to include substitute property having a value not to exceed \$110,616; and
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2 5) The Court will retain jurisdiction in this case for the purpose of enforcing
3 this Order, as necessary.
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5 DATED this 27th day of December, 2023.
6

7 
8 THE HON. JOHN H. CHUN
9 UNITED STATES DISTRICT JUDGE
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11 Presented by:
12

13 s/Jehiel I. Baer

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